

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Raul Castillo, individually, and on	)	
behalf of all others similarly situated,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 13 C 5738
	)	
RGS Financial, Inc., a Texas corporation,	)	Judge Kendall
	)	Magistrate Judge Cole
Defendant.	)	

**JOINT MOTION FOR PRELIMINARY APPROVAL  
OF CLASS ACTION SETTLEMENT AGREEMENT**

Plaintiff, Raul Castillo, and Defendant, RGS Financial, Inc. (the “Defendant”), submit this Joint Motion, pursuant to FRCP Rule 23, for certification of a settlement class and preliminary approval of the Class Action Settlement Agreement. In support of this motion, the parties state:

1. A Class Action Settlement Agreement, dated November 1, 2013, and attached as Exhibit 1, has been entered into by the parties.
2. The proposed Class Notice is attached as Exhibit 2.
3. The proposed Order Granting Preliminary Approval to the Class Action Settlement Agreement is attached as Exhibit 3.
4. The parties represent to the Court:
  - A. That the proposed settlement was reached through arms-length negotiations between Plaintiff's Counsel and Defendant's Counsel;

- B. That the parties believe the proposed settlement is fair, reasonable and adequate to the members of the Class in light of the alleged violation by Defendant of the FDCPA; and,
- C. That the Settlement Agreement represents the compromise of disputed claims, that it in no way constitutes an admission of liability by Defendant with respect to any of the material allegations in the Complaint, and that Defendant specifically denies that its actions constitute a violation of the FDCPA to any extent whatsoever.

5. Plaintiff's Counsel represents to this Court that they are able, experienced and well-qualified to evaluate the fairness of the proposed settlement on behalf of the members of the Class and that Counsel are in favor of this Motion. The Declaration of one of Plaintiff's counsel, David J. Philipps, setting forth his experience and qualification is attached as Exhibit 4.

6. Defendant agrees to the certification, pursuant to Fed.R.Civ.P. 23(b)(3), of a settlement class consisting of all persons in the State of Illinois, from whom Defendant attempted to collect a delinquent consumer debt, allegedly owed for a Bally's Total Fitness debt, via the same form collection letter (Complaint Exhibit C) that was sent to Plaintiff, which allegedly did not effectively identify Asset Acceptance as the name of creditor to whom the debt was then owed, from August 12, 2012, to August 12, 2013.

7. Defendant also agrees to the appointment of Raul Castillo as representative of the Class and the appointment of his attorneys, David J. Philipps, Mary E. Philipps and Angie K. Robertson of Philipps & Philipps, Ltd., as Class Counsel.

WHEREFORE, the parties request that this Court certify the settlement Class requested herein, grant preliminary approval to the Class Action Settlement Agreement and enter the order attached as Exhibit 3.

Dated: December 2, 2013

Plaintiff's Counsel,

/s/ David J. Philipps  
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Defendant's Counsel,

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 2, 2013, a copy of the foregoing **Joint Motion For Preliminary Approval Of Class Action Settlement Agreement** was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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